

Senate Engrossed House Bill

**FILED**

**JANICE K. BREWER  
SECRETARY OF STATE**

State of Arizona  
House of Representatives  
Forty-eighth Legislature  
First Regular Session  
2007

CHAPTER 206

# **HOUSE BILL 2033**

AN ACT

AMENDING SECTIONS 28-3153, 28-3154, 28-3156, 28-3174 AND 28-3321, ARIZONA  
REVISED STATUTES; RELATING TO DRIVER LICENSES.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 28-3153, Arizona Revised Statutes, is amended to  
3 read:

4 28-3153. Driver license issuance; prohibitions

5 A. The department shall not issue the following:

6 1. A driver license to a person who is under eighteen years of age,  
7 except that the department may issue:

8 (a) A restricted instruction permit for a class D or G license to a  
9 person who is at least fifteen years of age.

10 (b) An instruction permit for a class D, G or M license as provided by  
11 this chapter to a person who is at least fifteen years and ~~seven~~ SIX months  
12 of age.

13 (c) A class G or M license as provided by this chapter to a person who  
14 is at least sixteen years of age.

15 2. A class D, G or M license or instruction permit to a person who is  
16 under eighteen years of age and who has been tried in adult court and  
17 convicted of a second or subsequent violation of criminal damage to property  
18 pursuant to section 13-1602, subsection A, paragraph 1 or convicted of a  
19 felony offense in the commission of which a motor vehicle is used, including  
20 theft of a motor vehicle pursuant to section 13-1802, unlawful use of means  
21 of transportation pursuant to section 13-1803 or theft of means of  
22 transportation pursuant to section 13-1814, or who has been adjudicated  
23 delinquent for a second or subsequent act that would constitute criminal  
24 damage to property pursuant to section 13-1602, subsection A, paragraph 1 or  
25 adjudicated delinquent for an act that would constitute a felony offense in  
26 the commission of which a motor vehicle is used, including theft of a motor  
27 vehicle pursuant to section 13-1802, unlawful use of means of transportation  
28 pursuant to section 13-1803 or theft of means of transportation pursuant to  
29 section 13-1814, if committed by an adult.

30 3. A class A, B or C license to a person who is under twenty-one years  
31 of age, except that the department may issue a class A, B or C license that  
32 is restricted to only intrastate driving to a person who is at least eighteen  
33 years of age.

34 4. A license to a person whose license or driving privilege has been  
35 suspended, during the suspension period.

36 5. Except as provided in section 28-3315, a license to a person whose  
37 license or driving privilege has been revoked.

38 6. A class A, B or C license to a person who has been disqualified  
39 from obtaining a commercial driver license.

40 7. A license to a person who on application notifies the department  
41 that the person is an alcoholic as defined in section 36-2021 or a drug  
42 dependent person as defined in section 36-2501, unless the person  
43 successfully completes the medical screening process pursuant to section  
44 28-3052 or submits a medical examination report that includes a current  
45 evaluation from a substance abuse counselor indicating that, in the opinion

1 of the counselor, the condition does not affect or impair the person's  
2 ability to safely operate a motor vehicle.

3 8. A license to a person who has been adjudged to be incapacitated  
4 pursuant to section 14-5304 and who at the time of application has not  
5 obtained either a court order that allows the person to drive or a  
6 termination of incapacity as provided by law.

7 9. A license to a person who is required by this chapter to take an  
8 examination unless the person successfully passes the examination.

9 10. A license to a person who is required under the motor vehicle  
10 financial responsibility laws of this state to deposit proof of financial  
11 responsibility and who has not deposited the proof.

12 11. A license to a person if the department has good cause to believe  
13 that the operation of a motor vehicle on the highways by the person would  
14 threaten the public safety or welfare.

15 12. A license to a person whose driver license has been ordered to be  
16 suspended pursuant to section 25-518.

17 13. A class A, B or C license to a person whose license or driving  
18 privilege has been canceled until the cause for the cancellation has been  
19 removed.

20 14. A class A, B or C license or instruction permit to a person whose  
21 state of domicile is not this state.

22 B. The department shall not issue a driver license to or renew the  
23 driver license of the following persons:

24 1. A person about whom the court notifies the department that the  
25 person violated the person's written promise to appear in court when charged  
26 with a violation of the motor vehicle laws of this state until the department  
27 receives notification in a manner approved by the department that the person  
28 appeared either voluntarily or involuntarily or that the case has been  
29 adjudicated, that the case is being appealed or that the case has otherwise  
30 been disposed of as provided by law.

31 2. If notified pursuant to section 28-1601, a person who fails to pay  
32 a civil penalty as provided in section 28-1601, except for a parking  
33 violation, until the department receives notification in a manner approved by  
34 the department that the person paid the civil penalty, that the case is being  
35 appealed or that the case has otherwise been disposed of as provided by law.

36 C. The magistrate or the clerk of the court shall provide the  
37 notification to the department prescribed by subsection B of this section.

38 D. Notwithstanding any other law, the department shall not issue to or  
39 renew a driver license or nonoperating identification license for a person  
40 who does not submit proof satisfactory to the department that the applicant's  
41 presence in the United States is authorized under federal law. For an  
42 application for a driver license or a nonoperating identification license,  
43 the department shall not accept as a primary source of identification a  
44 driver license issued by a state if the state does not require that a driver  
45 licensed in that state be lawfully present in the United States under federal

1 law. The director shall adopt rules necessary to carry out the purposes of  
2 this subsection. The rules shall include procedures for:

3 1. Verification that the applicant's presence in the United States is  
4 authorized under federal law.

5 2. Issuance of a temporary driver permit pursuant to section 28-3157  
6 pending verification of the applicant's status in the United States.

7 Sec. 2. Section 28-3154, Arizona Revised Statutes, is amended to read:

8 28-3154. Instruction permit for a class D or G license

9 A. A person who is at least fifteen years and seven SIX months of age  
10 may apply to the department for an instruction permit for a class D or G  
11 license. The department may issue an instruction permit to the applicant  
12 after the applicant successfully passes all parts of the examination other  
13 than the driving test.

14 B. The instruction permit entitles the permittee to drive a motor  
15 vehicle requiring a class D or G license on the public highways for twelve  
16 months when both of the following conditions are met:

17 1. The permittee has the permit in the permittee's immediate  
18 possession.

19 2. The permittee is accompanied by a person who has a class A, B, C or  
20 D license, WHO IS AT LEAST TWENTY-ONE YEARS OF AGE and who occupies a seat  
21 beside the permittee.

22 Sec. 3. Section 28-3156, Arizona Revised Statutes, is amended to read:

23 28-3156. Class M instruction permit

24 A. A person who is at least fifteen years and seven SIX months of age  
25 may apply to the department for an instruction permit for a class M  
26 license. The department may issue an instruction permit to the applicant  
27 after the applicant successfully passes all parts of the examination other  
28 than the motorcycle skill test.

29 B. The permit entitles the permittee to operate a motorcycle requiring  
30 a class M license or endorsement when the permittee has the permit in the  
31 permittee's immediate possession. The permit is valid for ~~six~~ SEVEN months  
32 from the date of issuance.

33 C. The permittee shall not operate a motorcycle as follows:

34 1. On a controlled access highway as defined in section 28-601.

35 2. On a public highway from sunset to sunrise or when there is  
36 insufficient light to clearly discern a person and a vehicle on the highway  
37 at a distance of five hundred feet.

38 D. The department shall not issue more than two class M permits to the  
39 same person within twenty-four months.

40 Sec. 4. Section 28-3174, Arizona Revised Statutes, is amended to read:

41 28-3174. Class G driver licenses; restrictions; civil  
42 penalties; motorcycles

43 A. A person who is under eighteen years of age may apply to the  
44 department for a class G driver license if all of the following apply:

45 1. The person is at least sixteen years of age.

1           2. The person has a valid instruction permit issued pursuant to this  
2 article and the person has held the instruction permit for at least ~~five~~ SIX  
3 months, except that this requirement does not apply to a person who has a  
4 currently valid driver license issued by another jurisdiction.

5           3. Either:

6           (a) The person has satisfactorily completed a driver education program  
7 that is approved by the department of transportation. If the driver  
8 education program is offered by a public high school, the program shall be  
9 approved by the department of transportation in consultation with the  
10 department of education.

11           (b) A custodial parent or guardian of the person certifies in writing  
12 to the department that the applicant has completed at least ~~twenty-five~~  
13 THIRTY hours of supervised driving practice and that at least ~~five~~ TEN of the  
14 required practice hours were at night.

15           B. If the applicant successfully passes the examination prescribed in  
16 section 28-3164 and satisfies the requirements prescribed in subsection A of  
17 this section, the department may issue a class G driver license to the  
18 applicant.

19           C. EXCEPT AS PROVIDED IN SUBSECTION D OF THIS SECTION, a class G  
20 driver license entitles the licensee to drive a motor vehicle that requires a  
21 class G license on the public highways.

22           D. EXCEPT AS PROVIDED IN SUBSECTION J OF THIS SECTION, FOR THE FIRST  
23 SIX MONTHS THAT A CLASS G LICENSEE HOLDS THE LICENSE, THE LICENSEE SHALL NOT  
24 DRIVE A MOTOR VEHICLE ON A PUBLIC HIGHWAY FROM 12:00 A.M. TO 5:00 A.M. UNLESS  
25 EITHER:

26           1. THE LICENSEE IS ACCOMPANIED BY A PARENT OR LEGAL GUARDIAN WHO HAS A  
27 CLASS A, B, C OR D LICENSE AND WHO OCCUPIES A SEAT BESIDE THE CLASS G  
28 LICENSEE.

29           2. THE LICENSEE IS DRIVING DIRECTLY TO OR FROM A SANCTIONED SCHOOL  
30 SPONSORED ACTIVITY, THE LICENSEE'S PLACE OF EMPLOYMENT, A SANCTIONED  
31 RELIGIOUS ACTIVITY OR A FAMILY EMERGENCY.

32           E. EXCEPT AS PROVIDED IN THIS SUBSECTION AND SUBSECTION J OF THIS  
33 SECTION, FOR THE FIRST SIX MONTHS THAT A CLASS G LICENSEE HOLDS THE LICENSE,  
34 THE LICENSEE SHALL NOT DRIVE A MOTOR VEHICLE ON A PUBLIC HIGHWAY AT ANY TIME  
35 IF THE LICENSEE IS DRIVING A MOTOR VEHICLE CONTAINING MORE THAN ONE PASSENGER  
36 UNDER THE AGE OF EIGHTEEN. THIS RESTRICTION DOES NOT:

37           1. PROHIBIT THE LICENSEE FROM DRIVING A MOTOR VEHICLE CONTAINING  
38 PASSENGERS UNDER THE AGE OF EIGHTEEN IF THE PASSENGERS ARE THE LICENSEE'S  
39 SIBLINGS.

40           2. APPLY IF THE LICENSEE IS ACCOMPANIED BY A PARENT OR LEGAL GUARDIAN  
41 WHO HAS A CLASS A, B, C OR D LICENSE AND WHO OCCUPIES A SEAT BESIDE THE CLASS  
42 G LICENSEE.

43           F. A PEACE OFFICER SHALL NOT STOP OR ISSUE A CITATION TO A PERSON  
44 OPERATING A MOTOR VEHICLE ON A HIGHWAY IN THIS STATE FOR A VIOLATION OF  
45 SUBSECTION D OR E OF THIS SECTION UNLESS THE PEACE OFFICER HAS REASONABLE

1 CAUSE TO BELIEVE THERE IS ANOTHER ALLEGED VIOLATION OF A MOTOR VEHICLE LAW OF  
2 THIS STATE.

3 G. IF A LICENSEE IS FOUND RESPONSIBLE FOR VIOLATING SUBSECTION D OR E  
4 OF THIS SECTION, THE LICENSEE:

5 1. FOR A FIRST VIOLATION, IS SUBJECT TO A MAXIMUM CIVIL PENALTY OF  
6 SEVENTY-FIVE DOLLARS. THE DEPARTMENT SHALL EXTEND THE RESTRICTION PRESCRIBED  
7 BY SUBSECTION D OR E OF THIS SECTION FOR THIRTY DAYS, OR IF THE RESTRICTION  
8 PRESCRIBED BY SUBSECTION D OR E OF THIS SECTION IS COMPLETE, THE THIRTY DAY  
9 RESTRICTION BEGINS ON THE DEPARTMENT'S RECEIPT OF THE REPORT OF THE FINDING  
10 OF RESPONSIBILITY.

11 2. FOR A SECOND VIOLATION, IS SUBJECT TO A MAXIMUM CIVIL PENALTY OF  
12 ONE HUNDRED DOLLARS. THE DEPARTMENT SHALL EXTEND THE RESTRICTION PRESCRIBED  
13 BY SUBSECTION D OR E OF THIS SECTION FOR SIXTY DAYS, OR IF THE RESTRICTION  
14 PRESCRIBED BY SUBSECTION D OR E OF THIS SECTION IS COMPLETE, THE SIXTY DAY  
15 RESTRICTION BEGINS ON THE DEPARTMENT'S RECEIPT OF THE REPORT OF THE FINDING  
16 OF RESPONSIBILITY. IF AT THE TIME OF THE SECOND VIOLATION THE LICENSEE IS  
17 SUBJECT TO AN EXTENSION OF THE SIX MONTH PERIOD PURSUANT TO PARAGRAPH 1 OF  
18 THIS SUBSECTION, THE EXTENSIONS RUN CONSECUTIVELY.

19 3. FOR A THIRD OR SUBSEQUENT VIOLATION, IS SUBJECT TO A MAXIMUM CIVIL  
20 PENALTY OF ONE HUNDRED DOLLARS. ON THE DEPARTMENT'S RECEIPT OF THE REPORT OF  
21 THE FINDING OF RESPONSIBILITY, THE DEPARTMENT SHALL SUSPEND THE LICENSEE'S  
22 DRIVING PRIVILEGE FOR THIRTY DAYS. IF THE LICENSEE ALSO HAS A SUSPENSION  
23 RESULTING FROM A MOVING CIVIL TRAFFIC VIOLATION OR A MOVING CRIMINAL TRAFFIC  
24 OFFENSE AS PRESCRIBED BY SECTION 28-3321, THE SUSPENSIONS RUN CONSECUTIVELY.

25 H. A CITATION ISSUED FOR VIOLATING SUBSECTION D OF THIS SECTION SHALL  
26 BE DISMISSED IF THE LICENSEE TO WHOM THE CITATION WAS ISSUED PRODUCES ANY OF  
27 THE FOLLOWING EVIDENCE TO THE APPROPRIATE COURT OFFICER ON OR BEFORE THE DATE  
28 AND TIME SPECIFIED ON THE CITATION FOR COURT APPEARANCE AND IN A MANNER  
29 SPECIFIED BY THE COURT:

30 1. A WRITTEN, NOTARIZED LETTER FROM THE PARENT OR LEGAL GUARDIAN OF  
31 THE LICENSEE THAT THE LICENSEE WAS GOING TO OR RETURNING FROM A SANCTIONED  
32 SCHOOL SPONSORED ACTIVITY, THE LICENSEE'S PLACE OF EMPLOYMENT, A SANCTIONED  
33 RELIGIOUS ACTIVITY OR A FAMILY EMERGENCY.

34 2. A WRITTEN, NOTARIZED LETTER FROM A REPRESENTATIVE OF THE SANCTIONED  
35 SCHOOL SPONSORED ACTIVITY CERTIFYING THAT THE LICENSEE WAS RETURNING FROM THE  
36 SCHOOL ACTIVITY.

37 3. A WRITTEN, NOTARIZED LETTER FROM THE LICENSEE'S EMPLOYER CERTIFYING  
38 THAT THE LICENSEE WAS RETURNING FROM THE LICENSEE'S PLACE OF EMPLOYMENT.

39 4. A WRITTEN, NOTARIZED LETTER FROM A REPRESENTATIVE OF THE SANCTIONED  
40 RELIGIOUS ACTIVITY CERTIFYING THAT THE LICENSEE WAS RETURNING FROM THE  
41 RELIGIOUS ACTIVITY.

42 I. A CITATION ISSUED FOR VIOLATING SUBSECTION E OF THIS SECTION SHALL  
43 BE DISMISSED IF THE LICENSEE TO WHOM THE CITATION WAS ISSUED PRODUCES A  
44 WRITTEN, NOTARIZED LETTER FROM THE PARENT OR LEGAL GUARDIAN OF THE LICENSEE  
45 TO THE APPROPRIATE COURT OFFICER ON OR BEFORE THE DATE AND TIME SPECIFIED ON

1 THE CITATION FOR COURT APPEARANCE AND IN A MANNER SPECIFIED BY THE COURT THAT  
2 STATES THE PASSENGERS IN THE VEHICLE WITH THE LICENSEE AT THE TIME OF THE  
3 VIOLATION WERE THE SIBLINGS OF THE LICENSEE.

4 J. THE RESTRICTIONS IMPOSED BY SUBSECTION D OR E OF THIS SECTION DO  
5 NOT APPLY BEGINNING ON THE LICENSEE'S EIGHTEENTH BIRTHDAY. ANY PENALTIES OR  
6 RESTRICTIONS IMPOSED PURSUANT TO SUBSECTION G OF THIS SECTION SHALL BE FULLY  
7 SATISFIED EVEN IF THE LICENSEE IS EIGHTEEN YEARS OF AGE OR OLDER.

8 ~~D.~~ K. A person who holds a class G driver license may apply for a  
9 class D license on or after the person's eighteenth birthday, except that a  
10 person whose class G driver license is suspended pursuant to section 28-3321  
11 is not entitled to receive a class D driver license until after the  
12 suspension period expires.

13 ~~E.~~ L. If a person who is under eighteen years of age and at least  
14 sixteen years of age applies for a class M license or a motorcycle  
15 endorsement, the department shall not issue the class M license or motorcycle  
16 endorsement to the person unless both of the following apply:

17 1. The applicant has held an instruction permit issued pursuant to  
18 section 28-3156 for at least five SIX months, except that this requirement  
19 does not apply to a person who has a currently valid motorcycle driver  
20 license or endorsement issued by another jurisdiction.

21 2. Either:

22 (a) The person has satisfactorily completed a motorcycle driver  
23 education program that is approved by the department. If the driver  
24 education program is offered by a public high school, the program shall be  
25 approved by the department of transportation in consultation with the  
26 department of education.

27 (b) A custodial parent or guardian of the person certifies in writing  
28 to the department that the applicant has completed at least ~~twenty-five~~  
29 THIRTY hours of motorcycle driving practice.

30 Sec. 5. Section 28-3321, Arizona Revised Statutes, is amended to read:

31 28-3321. Moving violations by persons under eighteen years of  
32 age; traffic survival school; suspension

33 A person who holds a driver permit or license and who is found  
34 responsible for a moving civil traffic violation pursuant to this title or  
35 who is convicted of a moving criminal traffic offense pursuant to this title,  
36 excluding violations of sections 28-693, 28-695, 28-708, 28-1381, 28-1382,  
37 ~~and~~ 28-1383 AND 28-3174, and who commits the moving civil traffic violation  
38 or moving criminal traffic offense while the person is under eighteen years  
39 of age is subject to the following:

40 1. On receipt of the first record of judgment or conviction, the  
41 department shall order the person to attend and successfully complete traffic  
42 survival school training and educational sessions.

43 2. On receipt of the second record of judgment or conviction, the  
44 department shall suspend the person's driving privilege for three months.

1           3. On receipt of the third record of judgment or conviction, the  
2 department shall suspend the person's driving privilege for six months.

3           Sec. 6. Short title

4           This act shall be known as and may be cited as the "Teenage Driver  
5 Safety Act".

6           Sec. 7. Applicability

7           This act applies only to permits and licenses issued from and after  
8 June 30, 2008.

9           Sec. 8. Effective date

10          This act is effective from and after June 30, 2008.

APPROVED BY THE GOVERNOR MAY 14, 2007.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MAY 14, 2007.